

Pet Dealers and Pet Stores Local Law 7-14-2016

A LOCAL LAW to add a new Article to Chapter 115 of the Code of the Town of Yorktown entitled "ANIMALS"

Be it enacted by the Town Board of the Town of Yorktown as follows:

Section I. Statement of Authority.

This Local Law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

The Town Board of the Town of Yorktown does hereby enact as follows:

Section 1. Chapter 115 of the Code of the Town of Yorktown is hereby amended by adding a new Article VII entitled "**Prohibition on Sale of Commercially Bred Dogs and Cats in Pet Stores**" to read as follows:

§115-40. Definitions.

A. PERSON A natural person, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.

§115-41. Prohibition on Sale of Commercially Bred Dogs and Cats in Pet Stores.

- A. It shall be unlawful for any person to sell any live dog or cat in any pet store, retail business or other commercial establishment located in the Town of Yorktown, unless the dog or cat was obtained from a natural person who possesses litters of no more than 10 dogs or 10 cats in a calendar year from a dog or cat which is either licensed to or resides with such natural person; an animal shelter or a humane society located in New York State, or a nonprofit rescue and humane organization registered with the New York State Department of Agriculture.
- B. For purposes of this article, a "rescue and humane organization" is defined as a New York State nonprofit corporation that is exempt from taxation under Internal Revenue Code Section 501 (c)(3), participates in early age spay/neuter of animals, complies with state and local laws regarding the humane treatment of animals,

and whose mission and practice is, in whole or in significant part, the rescue and placement of dogs and/or cats.

§115-42. **Enforcement.**

A. This article shall be enforced by the Town's Code Enforcement Officer(s).

§ 115-43. **Penalties for offenses.**

A. Any person who violates any provision of the article shall be guilty of a violation punishable by a fine not to exceed \$250, and/or imprisonment for not more than 15 days. Subsequent violations of this article shall be prosecuted as a misdemeanor punishable by a fine not to exceed \$1,000 and/or imprisonment for not more than 30 days. Any violation of this article per animal shall be prosecuted as separate violations.

Section III. **Severability.**

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. **Repeal**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section V. **Effective Date.**

This Local Law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.